

Atty Dkt: JDF 1505
4000-03100

Patent

REMARKS

At the time of the office action of June 14, 2004, claims 1 – 19 were pending in this patent application. Claims 1 – 19 were rejected on various grounds. By the present amendment, Claims 1, 15, and 17 have been cancelled and claims 2, 4, 5, 9, 10, 16, 18 and 19 have been amended. Reconsideration of claims 2-14, 16, 18 and 19 is requested.

By the present amendments to the claims, the term "binary code" has been changed to read "control software". The present office action indicates some confusion as to the meaning of the term binary code, possibly equating it to a user name or password. The present specification clearly defines the term binary code to be control software, see page 9, line 21 through page 10, line 11. The control software includes various control modules shown in Figure 1. The control modules include the POTS control module 51, the polling control module 52, the power supply control module 83, and the ATM control module 55. These are all functional software modules, not configuration data such as a user name or password.

By the present amendment, all of the claims include methods of or apparatus for identifying, locating, and downloading the necessary control software.

Claims 2, 9, 16 and 18, the current independent claims, were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Golla US Patent 6,587,874 in view of the Reichmeyer US Patent 6,286,038. The applicant respectfully traverses these rejections as they apply to the amended claims.

The office action indicates some confusion on the meaning of a customer premises telecommunications hub. The present specification clearly describes what such a hub is with reference to Fig. 1. In addition, the specification incorporates by reference at page 4, lines 18-21, US Patent 6,272,553 which discloses what a customer premises telecommunications hub is.

Atty Dkt: IDF 1505
4000-03100

Patent

These disclosures also discuss a telephone company central office, which is a term well known to those skilled in the telecommunications art. With these disclosures, it is clear that a customer premises telecommunications hub is an electronic telecommunications device located on a customer premises and is not "any location or building that houses a forwarding device, such as a router."

Golla and Reichmeyer both teach automatic downloading of configuration data by or in an electronic device which is connected to a network. However, neither of these references teaches or even suggests downloading of the actual operating software or code which is necessary for the device to function as a router, switch, server, etc.

Golla provides a long list of "configuration parameters" at col. 3, lines 53, to col. 4, line 1. These are the parameters which Golla teaches may be downloaded. The list does not include operating or control software. Golla discusses the fact that such operating software is stored in memory at col. 12, line 46, through col. 13, line 6. However, Golla does not suggest that this software would be downloaded as taught by the present invention.

Reichmeyer mentions various "configuration information" at col. 8, lines 18-43. Included in this list is the "code level for the network device". This could mean the operating software code used by the device. However, Reichmeyer does not teach downloading such code. At col. 10, lines 42-45, Reichmeyer suggests that the configuration information could be manually input by a system administrator. This clearly indicates that Reichmeyer is not suggesting downloading operating code since it would require an unreasonable amount of time for a system administrator to manually input the operating code and it is unlikely that it could be manually input without errors. Such operating code is normally input as object, or binary, code which would be even more difficult to manually input without error.

Atty Dkt: IDF 1505
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In view of these substantial differences between the present claims and the applied references, the Applicant submits that claims 2, 9, 16 and 18 are clearly patentable over the applied references. Since claims 3-8, 10-14 and 19 depend from claims 2, 9, and 18 which have been shown to be patentable above, the Applicant submits that claims 3-8, 10-14 and 19 are also patentable over the applied references. Allowance of claims 2-14, 16, 18 and 19 is respectfully requested.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicants respectfully submit that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,
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